

Application No. 10/723,658
Amendment filed with RCE

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 3, 7 and 11 is respectfully acknowledged.

These claims, however, have not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that their parent claim 1 also recites allowable subject matter.

CLAIM 1

Claim 1 has been amended to even more clearly recite the feature of the present invention whereby the toggle plate holder mechanism comprises: (i) a link member that holds the toggle plate between the swing jaw and the toggle plate support member, and (ii) a biasing portion which is coupled to the toggle plate support member and which biases the swing jaw and the toggle plate support member to the toggle plate. In addition, claim 1 has also been amended to avoid unnecessarily reciting that the link member is rotatably coupled to the swing jaw.

No new matter has been added, and it is respectfully requested that the amendments to claim 1 be approved and entered.

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THE PRIOR ART REJECTION

Claim 1 remains rejected under 35 USC 102 as being anticipated by USP 5,765,769 ("Kaya"), and claim 15 remains rejected under 35 USC 103 as being obvious in view of the combination of Kaya and US 2002/0036246 ("Togashi et al"). These rejections, however, are respectfully traversed.

In the Advisory Action, the Examiner argues in that the pitman 21 of Kaya corresponds to both the link member and the toggle plate support member of the claimed present invention, and that the frame toggle plate 24 of Kaya corresponds to the biasing portion of the claimed present invention.

It is respectfully pointed out, however, that according to the present invention as now more clearly recited in clarified amended claim 1, the link member holds the toggle plate between the swing jaw and the toggle plate support member, and the biasing portion is coupled to the toggle plate support member and biases the swing jaw and the toggle plate support member to the toggle plate. That is, according to the structure of the claimed present invention, the toggle plate support member contacts a second end of the toggle plate (and the first end of the toggle plate contacts the swing jaw), while the link member holds the toggle plate between the swing jaw and the toggle plate support member. And it is respectfully pointed out that with this structure, since the link member holds the toggle plate between

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the swing jaw and the toggle plate support member, the link member clearly cannot itself be the toggle plate support member.

That is, it is respectfully pointed out that if the pitman 21 of Kaya is considered to correspond to the toggle plate support member of the claimed present invention, since it contacts a second end of jaw toggle plate 22, then the pitman 21 clearly cannot also be considered to correspond to the link member of the claimed present invention.

In addition, it is noted that the Examiner also asserts that frame toggle plate 24 of Kaya provides biasing force to the pitman 21 thereof. Whether or not this assertion is correct, the biasing portion of the claimed present invention doesn't only provide biasing force to the toggle plate support member.

Indeed, as recited in clarified amended claim 1, the biasing portion is coupled to the toggle plate support member and biases the swing jaw and the toggle plate support member to the toggle plate. That is, claim 1 explicitly recites that the biasing portion biases the swing jaw to the toggle plate and that the biasing portion biases the toggle plate support member to the toggle plate. By contrast, even as interpreted by the Examiner, the frame toggle plate 24 of Kaya merely provides support to the pitman 21.

In view of the foregoing, it is respectfully submitted that Kaya clearly does not disclose, teach or suggest a link member or

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biasing portion having the structure of the present invention as recited in clarified amended claim 1.

Accordingly, it is respectfully submitted that amended claim 1 and each of claims 3, 5, 7, 9, 11, 13 and 15 depending therefrom all clearly patentably distinguish over Kaya, taken singly or in combination with any of the other prior art of record, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of all of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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